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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 06-0074 RMW
12)
Plaintiff,) **STIPULATION TO CONTINUE**
13) **HEARING AND EXCLUDE TIME;**
v.) ~~**PROPOSED ORDER**~~
14)
JAMES FITZGERALD,)
15)
Defendant.)
16)

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Monday, December 11, 2006, should be continued to January 29, 2007. At this time, the
20 government has proposed informal settlement terms, and the defense has made a counter-offer
21 that the government is considering. The continuance is requested because the defense and the
22 government require additional time to complete investigation with respect to settlement, and to
23 engage in further settlement negotiations.

24 The parties further agree that time should be excluded under the Speedy Trial Act from
25 December 11, 2006, to January 29, 2007, because the defense and the government require time
26 for investigation and preparation, and the ends of justice outweigh the defendant's and the

1 public's need for a speedy trial.

2 Dated: 12/6/06

/s/
LARA S. VINNARD
Assistant Federal Public Defender

4 Dated: 12/8/06

/s/
SUSAN KNIGHT
Assistant United States Attorney

7 **ORDER**

8 The parties have jointly requested a continuance of the hearing set for December 11,
9 2006, on grounds that investigation by the defense and the government is ongoing.

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
11 presently set for December 11, 2006, be continued to January 29, 2007, at 9:00 a.m.

12 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
13 from December 11, 2006, to January 29, 2007, shall be excluded from the period of time within
14 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

15
16 Dated: 12/18/06

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge